

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DORMAN ANGEL, et al.	:	CIVIL ACTION NO. C-1-01-467
	:	
Plaintiffs	:	JUDGE: SANDRA S. BECKWITH
	:	
vs.	:	
	:	<u>PLAINTIFFS' MEMORANDUM IN</u>
UNITED PAPERWORKERS	:	<u>RESPONSE TO THE COURT'S</u>
INTERNATIONAL UNION (PACE)	:	<u>SHOW CAUSE ORDER</u>
LOCAL 1967, et al.	:	
	:	
Defendants	:	

On November 3, 2004, this Court issued a show cause order relating to the motion for summary judgment filed by International Paper Company ("IP"). This memorandum is submitted in response to the show cause order.

RESPECTFULLY SUBMITTED,

/s/ Mark J. Byrne

MARK J. BYRNE - #0029243

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MEMORANDUM

As a result of the Court's prior ruling on the motions to dismiss, two counts in the Amended Complaint remain against IP on behalf of the Plaintiffs. (Doc. 61) Count VI, a claim for age discrimination exists, and in Count IX, a claim for disability discrimination on behalf of

Plaintiff Bauer remains. Counsel for Plaintiffs and counsel for IP have discussed the resolution of these issues, most recently on November 22, 2004. Based upon the evidence to date and this Court's prior decision in Case No. 1:01cv527, captioned *Campbell, et al. v. International Paper, et al.*, the Plaintiffs have no evidence at this point in time of any age discrimination by IP as it relates to the complaint that now exists. Therefore, Plaintiffs withdraw their claim under Count VI. That withdraw is with prejudice.

In addition, as to the claim contained in Count IX, counsel for Plaintiffs and Defendant have agreed that for the next week they will discuss the resolution of that claim through settlement. Therefore, Plaintiffs and Defendant IP agree that the Court may hold off any ruling relating to Count IX as for Plaintiff Bauer in his claim of disability discrimination..

RESPECTFULLY SUBMITTED,

/s/ Mark J. Byrne

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I also certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

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